

IN RE: PETITION FOR SPECIAL HEARING
W/S Oriole Avenue, 635' SW of
the c/l Riverside Avenue
(428 Oriole Avenue)
15th Election District
7th Councilmanic District

Samuel P. Mirabile
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-90-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Samuel P. Mirabile, through his attorney, Michael P. Tanczyn, Esquire. The Petitioner seeks approval of a contractor's equipment storage yard as a legal, nonconforming use. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Samuel Mirabile, property owner, Herbert Malmud, Registered Land Surveyor who prepared the site plan of this property, and Michael P. Tanczyn, Esquire, attorney for the Petitioner. Also appearing in support of the request was Ms. Anna Becker, adjacent property owner and long-time resident of the area. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is located in an older subdivision in eastern Baltimore County near Eastpoint, known as Frankton, and is comprised of two lots containing a combined gross area of 0.336 acres, more or less, zoned D.R.1. The property is improved with a two-story frame dwelling and has been used as a contractor's equipment storage yard for many years. Apparently, as a result of a routine inspection in the area by a Code Enforcement Inspector, the Peti-

ORDER RECEIVED FOR FILING

Date 10/30/98

By [Signature]

tioner was cited with numerous zoning violations, including the use of the property as a junk yard, and the storage of unlicensed, inoperable vehicles and construction equipment on the property. After discussing the matter, the Petitioner was advised to file the instant Petition for Special Hearing to legitimize the use of the property as a contractor's equipment storage yard. Mr. Mirabile testified that he is a general contractor and has been in business since the 1960s. Prior to his getting into the business, his father and uncle were in the construction business. Apparently, the family has been using the subject property as a contractor's equipment storage yard for many years and as a result of the zoning violation notice, the Petitioner now wishes to establish this use as legal and nonconforming.

In support of the Petitioner's request, Ms. Anna Becker, adjacent property owner and long-time resident of the community, testified that the subject property has been used as a contractor's equipment storage yard since approximately 1950. She indicated that this use has been continuous and without interruption since that time.

Further testimony revealed that Mr. Mirabile actually owns four contiguous lots, known as Lots 1 through 4 of Frankton; however, it is only Lots 2 and 3 which are the subject of the special hearing request. Lots 1 and 4 are not used in any manner in conjunction with the contractor's equipment storage yard use on Lots 2 and 3. Thus, the relief granted herein shall only apply to Lots 2 and 3 and there shall be no spill-over of this use onto Lots 1 and 4.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations caused the

use of the property to become illegal. The controlling year in this case is 1955.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App.257, 385 A2d. 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;

(b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

McKemy v. Baltimore County, Md., Supra.

After due consideration of the testimony and evidence presented, it is clear that the subject property has been used continuously and without interruption as a contractor's equipment storage yard since prior to

10/30/98
Date
By

the effective date of the zoning regulations, and as such, enjoys a legal nonconforming use. However, the relief granted herein is for a contractor's equipment storage yard at 428 Oriole Avenue (Lots 2 and 3 of Frankton). This nonconforming use shall not be extended to Lots 1 and 4.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of October, 1998 that the Petition for Special Hearing seeking approval of a contractor's equipment storage yard as a legal, nonconforming use, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

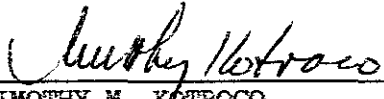
1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) The relief granted herein is limited to the nonconforming use of the property known as 428 Oriole Avenue, also known as Lots 2 and 3 of Frankton, as a contractor's equipment storage yard. The nonconforming use granted herein is not applicable to adjoining Lots 1 and 4.

3) The property shall be properly maintained and kept free of all trash and debris. The Petitioner shall not be permitted to store unlicensed, inoperable vehicles on the property, and only construction equipment used in association with the Petitioner's business as a general contractor can be stored on the premises.

4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

October 30, 1998

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
W/S Oriole Avenue, 635' SW of the c/l Riverside Avenue
(428 Oriole Avenue)
15th Election District - 7th Councilmanic District
Samuel P. Mirabile - Petitioner
Case No. 99-90-SPH

Dear Mr. Tanczyn:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Samuel P. Mirabile
3224 Belair Road, Baltimore, Md. 21213

Mr. Herb Malmud
100 Church Lane, Baltimore, Md. 21208

Code Enforcement Division, DPDM; People's Counsel; Case Files





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

428 Oriole Avenue

which is presently zoned DR1

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Non-conforming use for contractor's equipment storage yard.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee

Legal Owner(s)

(Type or Print Name)

Samuel P. Mirabile

(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner

Michael P. Tanczyn, Esq.

(Type or Print Name)

3224 Belair Rd.

410-276-4307

Address

Phone No

Baltimore, Maryland 21213

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Herb Malmud

Name

100 Church Ln., Balto., MD 21208

Address

Phone No

410-653-9511

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

Signature

Suite 106

606 Baltimore Ave. 410-296-8823

Address

Phone No

Towson, Maryland 21204

City

State

Zipcode

DROP-OFF
NO REVIEW
8/28/98
AC1



99.90-SPH

ORDER RECEIVED FOR FILING
Date 10/30/98
By [Signature]

H. MALMUD & ASSOCIATES, INC.
100 CHURCH LANE
BALTIMORE, MARYLAND 21208

TELEPHONE 410 653-9511

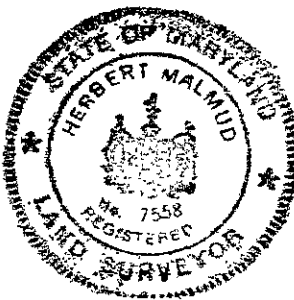
ZONING DESCRIPTION
428 ORIOLE AVENUE
BALTIMORE COUNTY, MARYLAND

BEGINNING AT A POINT ON THE WEST SIDE OF ORIOLE AVENUE, 30 FEET WIDE, AT A POINT DISTANT 635 FEET SOUTHWESTERLY FROM THE CENTER OF RIVERSIDE AVENUE, 30 FEET WIDE, THENCE BINDING ON ORIOLE AVENUE:

1. SOUTH 17°41' 00" WEST 75.00 FEET, THENCE LEAVING ORIOLE AVENUE AND RUNNING THE THREE (3) FOLLOWING COURSES AND DISTANCES:
2. NORTH 71°04' 00" WEST 195.00 FEET;
3. NORTH 17°41' 00" EAST 75.00 FEET AND
4. SOUTH 71°04' 00" EAST 195.00 FEET TO THE PLACE OF BEGINNING.

CONTAINING 14,622 SQUARE FEET OR 0.336 OF AN ACRE OF LAND, MORE OR LESS.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT FOR THE CONVEYANCE OF TITLE.



HERBERT MALMUD
REGISTERED LAND SURVEYOR
MARYLAND # 7558

AUGUST 26, 1998

FILE: DESORIOL

99-90-SPH

**BALTIMORE COUNTY, MARYLA
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. **05-697**

DATE 8/28/98

ACCOUNT

001-6150

AMOUNT \$ 250.00 (WCR)

RECEIVED FROM:

Michael P Tanczyn

SPECIAL HEARING

99-90-SPH

FOR:

428 Oriole /Avenue

Drop-Off ----- No Review

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

11/02/98 ACTUAL

9/01/1998 9/01/1998 11-57-27

RECEIVED BY: CASHIER JUDY JAR DRAPER

BY: MICHAEL P TANCZYN

RECEIVED BY: CASHIER

CR NO. 009697

250.00 CHECK

Baltimore County, Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-90-SPH
428 Oriole Avenue
NW/S Oriole Avenue, 760 +/-
SW of centerline Diamond
Point Road
15th Election District
7th Councilmatic District
Legal Owner(s):

Samuel P. Nisbille
Special Hearing: to approve a non-conforming use for contractor's equipment storage yard.
Hearing: Wednesday, October 7, 1998 at 2:00 p.m. in Room 109, County Office Building, 111 West Chesapeake Avenue

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations please call (410) 887-3353.
(2) For information concerning this file and/or hearing, please call (410) 887-3391.

9/22/98 Sept. 17 C268725

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/17/, 1998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/17/, 1998.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

RE: Case # 99-98-SPH
Petitioner/Developer:
(Samuel Mirabile)
Date of Hearing/Closing:
(Oct. 19, 1998)

**Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:

**This letter is to certify under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at _____**

428 Oriole Avenue Baltimore, Maryland 21224 _____

**The sign(s) were posted on _____ Oct. 4, 1998 _____
(Month, Day, Year)**

Sincerely,

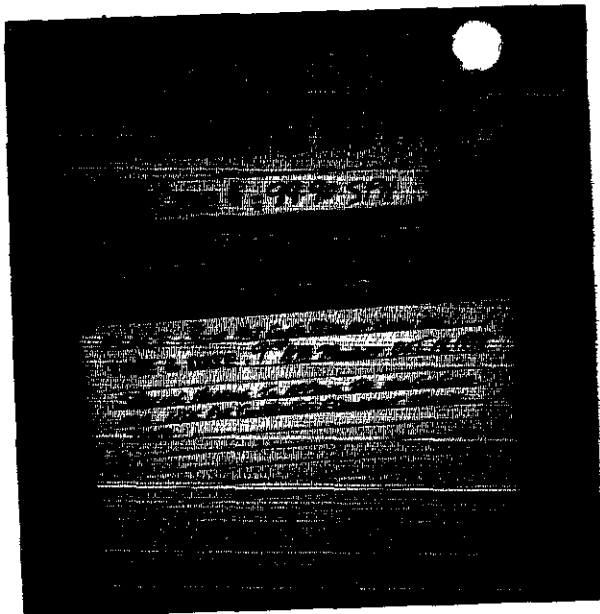

(Signature of Sign Poster & Date)

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

**_____ (410)-687-8405 _____
(Telephone Number)**



Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-90-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: SPECIAL HEARING TO APPROVE
THE NON-CONFORMING USE FOR
CONTRACTOR'S EQUIPMENT
STORAGE YARD.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
September 17, 1998 Issue - Jeffersonian

Please forward billing to:

Michael P. Tanczyn, Esquire 410-296-8823
606 Baltimore Avenue
Suite 106
Towson, MD 21204

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-90-SPH
428 Oriole Avenue
NW/S Oriole Avenue, 750' +/- SW of centerline Diamond Point Road
15th Election District - 7th Councilmanic District
Legal Owner: Samuel P. Mirabile

Special Hearing to approve a non-conforming use for contractor's equipment storage yard.

HEARING: Wednesday, October 7, 1998 at 2:00 p.m. in Room 106, County Office Building,
111 West Chesapeake Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS
PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-
887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

September 2, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-90-SPH
428 Oriole Avenue
NW/S Oriole Avenue, 750' +/- SW of centerline Diamond Point Road
15th Election District - 7th Councilmanic District
Legal Owner: Samuel P. Mirabile

Special Hearing to approve a non-conforming use for contractor's equipment storage yard.

HEARING: Wednesday, October 7, 1998 at 2:00 p.m. in Room 106, County Office Building,
111 West Chesapeake Avenue

A handwritten signature in cursive script, reading "Arnold Jablon" with a small "SCJ" monogram at the bottom right.

Arnold Jablon
Director

c: Michael P. Tanczyn, Esquire
Samuel P. Mirabile
Herb Malmud

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY SEPTEMBER 22, 1998.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.**

Come visit the County's Website at www.co.ba.md.us





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

October 14, 1998

Mr. Herb Malmud
100 Church Lane
Baltimore, MD 21208

RE: Item No.: 90
Case No.: 99-90-SPH
Location: 428 Oriole Avenue

Dear Mr. Malmud:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on August 28, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



sent
10/7
PP.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: September 22, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 428 Oriole Avenue

INFORMATION:

Item Number: 90

Petitioner: Samuel P. Mirabile

Zoning: DR 1

Requested Action: Special Hearing

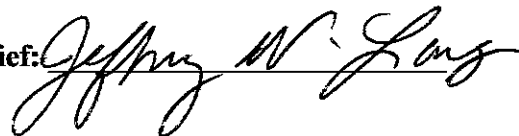
SUMMARY OF RECOMMENDATIONS:

Based upon the information provided and site visit, the staff offers the following comment:

The subject property is improved with a home that suffers to a degree from deferred maintenance. The property houses an unlicensed tractor with no roof, two container/trailers, and several unlicensed, inoperable vehicles that are stored in a field of weeds. It would appear that the property meets the definition of a "junkyard" as defined in the Baltimore County Zoning Regulations.

The Office of Planning recommends the Zoning Commissioner visit the property prior to taking any final action in this matter.

Section Chief:



AFK/JL:



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

September 10, 1998

TO: Arnold Jablon, Director
Permits and Development Management
MAIL STOP-1105

FROM: LT. ROBERT P. SAUERWALD
FIRE MARSHAL OFFICE
MAIL STOP - 1102F, PHONE 887-4881

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF SEPT. 14, 1998.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 084, 085, 086,
087, 088, 089 AND 090.




BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: September 17, 1998

FROM:  Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for September 14, 1998
Item Nos. 084, 086, 087, 089, and
090

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE0914.NOC

Date: September 10, 1998

TO: Arnold Jablon

FROM: R. Bruce Seeley *RB3/12*

SUBJECT: Zoning Item #90

Mirabile Property (Samuel) - 428 Oriole Avenue

Zoning Advisory Committee Meeting of September 8, 1998

----- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

----- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

----- Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

----- Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

RE: PETITION FOR SPECIAL HEARING
428 Oriole Avenue, NW/S Oriole Ave, 750' +/-
SW of c/I Diamond Point Rd, 15th Election District,
7th Councilmanic

Legal Owners: Samuel P. Mirabile

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-90-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of September, 1998, a copy of the foregoing Entry of Appearance was mailed to Michael P. Tanczyn, Esq., 606 Baltimore Avenue, Suite 106, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

LAW OFFICES

MICHAEL P. TANCZYN, P.A.

Suite 106 • 606 Baltimore Avenue

Towson, Maryland 21204

Phone: (410) 296-8823 • (410) 296-8824

Fax: (410) 296-8827 • Computer Fax: (410) 296-2848

September 8, 1998

9/9/98
J
JW
OK

Mr. Arnold Jablon
Director - Baltimore County Dept. of Permits &
Development Management
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

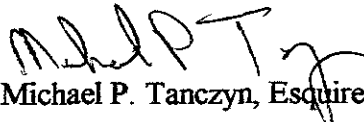
Re: Case No. 99-90-SPH, 428 Oriole Avenue

Dear Mr. Jablon:

I just received in the mail a Notice of Zoning Hearing scheduling the above matter for Wednesday, October 7, 1998 at 2:00 p.m. I am previously scheduled on that date for a specially set in hearing in the District Court at 1:30 p.m., in the matter of Shank v. Westerlund. I would, therefore, respectfully request under these circumstances that this matter be postponed and rescheduled.

Thank you for your assistance in this matter.

Very truly yours,


Michael P. Tanczyn, Esquire

MPT/gr

cc: Samuel Mirabile
Herb Malmud

RECEIVED
9-10-98
98-3639

LAW OFFICES

MICHAEL P. TANCZYN, P.A.

Suite 106 • 606 Baltimore Avenue

Towson, Maryland 21204

Phone: (410) 296-8823 • (410) 296-8824

Fax: (410) 296-8827 • Computer Fax: (410) 296-2848

August 27, 1998

HAND DELIVERED

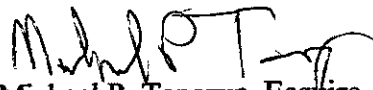
Zoning Commissioner
Room 109
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Civil Citation 98-261 428 Oriole Avenue

Dear Sir:

Enclosed herewith please find our check and Petition for Non-Conforming use with exhibits for filing by drop-off. Please advise us of a hearing date and send us a receipt when you have the opportunity.

Very truly yours,


Michael P. Tanczyn, Esquire

MPT/gr
Enclosures

cc: Samuel Mirabile
Herb Malmud

1) Has not been reviewed
2) Extension of time granted by Mr. Jablon
on Code Official's order

99-90-SPH



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

August 28, 1998

Michael P. Tanczyn, Esquire
606 Baltimore Avenue
Suite 106
Towson, MD 21204

RE: Drop-Off Petition (99-90-SPH)
428 Oriole Avenue
15th Election District

Dear Mr. Tanczyn:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper form pertaining to this. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to this office.

If you have any questions regarding the sign posting, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "WCR/scj".

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures

Come visit the County's Website at www.co.ba.md.us





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us
410-887-3391

September 10, 1998

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, MD 21204

Dear Mr. Tanczyn:

RE: Drop-Off Petition Review (Item #90), 428 Oriole Avenue, 15th Election District

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no unaddressed zoning issues and/or incomplete information. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in cursive script, reading "Bruno Rudaitis".

Bruno Rudaitis
Planner II, Zoning Review

BR:rye

Enclosure (receipt)

c: Zoning Commissioner

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

September 10, 1998

Michael P. Tanczyn, Esquire
606 Baltimore Avenue
Suite 106
Towson, MD 21204

Dear Mr. Tanczyn:

RE: Case Number 99-90-SPH, 428 Oriole Avenue

The above matter, previously assigned to be heard on Wednesday, October 7, 1998 has been postponed at your request.

Please be advised that, as the individual requesting and receiving the postponement, the responsibility and costs associated with the appropriate posting of the property now lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so.

If the property has been posted with notice of the hearing date, as quickly as possible a notice of postponement should be affixed to the sign(s). Then, upon notification of the new hearing date, such sign(s) must be changed to give notice of the new hearing date.

Very truly yours,

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:scj

c: Samuel P. Mirabile
Herb Malmud

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

September 25, 1998

Michael P. Tanczyn, Esquire
606 Baltimore Avenue
Suite 106
Towson, MD 21204

Dear Mr. Tanczyn:

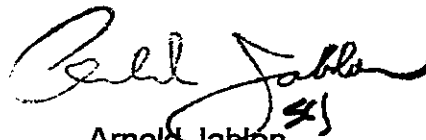
RE: Zoning Case #99-90-SPH, 428 Oriole Avenue

The above matter, previously assigned to be heard on October 7, 1998 has been **rescheduled for Monday, October 19, 1998 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.**

The new hearing date and time should be affixed to the hearing notice sign posted on the property as soon as possible.

If you need further information or have any questions, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,


Arnold Jablon
Director

AJ:scj

c: Samuel P. Mirabile
Herb Malmud

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper

Application No. H-33746
Written By: JSK,III/rmg

THIS DEED, Made this

10th day of May

in the year one thousand nine hundred and sixty-one, by and between DANIEL L. WILLIAMS, Widower, party of the first part, Grantor; and JOSEPH C. MIRABILE and CHARLES J. MIRABILE, Co-partners trading as "Town Hall", parties of the second part, Grantees.

WHEREAS by Deed dated November 19th, 1951 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2043, folio 550, the property hereinafter described was granted and conveyed by Clayton W. Bordley, Inc. unto Daniel L. Williams and Christina M. Williams, his wife, as tenants by the entireties, for and during the term of their natural lives, with full powers of disposition, as by reference to said deed will more fully appear; and

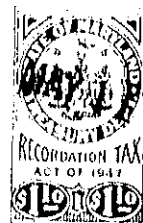
WHEREAS, the said Christina M. Williams departed this life on or about the 14th day of October 1960; and

WHEREAS, the said Daniel L. Williams, in exercise by virtue and in pursuance of the power and authority conferred upon him under the aforesaid deed, has sold the property hereinafter described unto the said parties of the second part, wherefore these presents are executed.

NOW, THEREFORE, THIS DEED WITNESSETH: that in consideration of the sum of Five Dollars (\$5.00), and other valuable considerations, the receipt whereof is hereby acknowledged, the said party of the first part, acting in exercise, by virtue and in pursuance of the power and authority conferred upon him as aforesaid, does hereby grant and convey unto the said Joseph C. Mirabile and Charles J. Mirabile, Co-partners trading as "Town Hall", as tenants in partnership, as said tenancy is created and defined by the Maryland Uniform Partnership Act, their assigns, in fee simple, all that lot of ground situate in Baltimore County in the State of Maryland, and described as follows, that is to say:-

Being known and designated as Lot No. 2 in Section 7 as shown on a plat entitled, "The survey of Frankton", which Plat is duly recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 4, folio 93. The improvements thereon being known as No. 423 Oriole Avenue.

TOGETHER with the buildings and improvements thereupon; and the rights, appurtenances and advantages to the same belonging or in anywise connected therewith.



TO HAVE AND TO HOLD the said described lot of ground and premises, unto and to the use of the said Joseph C. Mirabile and Charles J. Mirabile, Co-partners trading as "Town Hall", as tenants in partnership, as said tenancy is created and defined by the Maryland Uniform Partnership Act, their assigns, in fee simple, forever.

AND the said Grantor covenants to warrant specially the property hereby granted and conveyed, and to execute such further assurances of said land as may be requisite.

WITNESS the hand and seal of the said Grantor.

WITNESS:

ROBERT T. O'LEARY

Daniel L. Williams

(SEAL)

STATE OF MARYLAND, BALTIMORE CITY/██████, TO WIT:

I HEREBY CERTIFY, that on this 10th day of May

1961, before me, a Notary Public of the State aforesaid, personally appeared DANIEL G. WILLIAMS, Widower, the party of the first part herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that he has executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

Notary Public

My commission expires May 6, 1963

RECORDED - Baltimore County, Maryland



| | | | | |
|---------|------|---|------------|-------|
| 5-11-61 | 4586 | • | 12109 PPF- | 52.00 |
| 5-11-61 | 4586 | • | 12109 PPF- | 52.00 |

Rec'd for record MAY 11 1961 at 1:53 P M
Per Walter J. Rasmussen, Clerk

Mailed to THE TITLE GUARANTEE COMPANY

Receipt No. 167657 \$6.00

Pest Ex #4

WILLIAM I. NORRIS—ATTORNEYS AT LAW

AND

WILLIAM I. NORRIS, JR.

LIBER 2043 PAGE 550

FEE SIMPLE DEED—CODE—CITY OR COUNTY.

This Deed, Made this 19th day of November

in the year one thousand nine hundred and fifty-one by CLAYTON W. BORDLEY INC., a body corporate of the State of Maryland, party of the first part and DANIEL L. WILLIAMS and CHRISTINA M. WILLIAMS, his wife, of the County of Baltimore, in the State of Maryland, parties of the second part.

Witnesseth that in consideration of one dime and other good and valuable considerations, the receipt of which is hereby acknowledged, the said party of the first part doth grant and convey unto Daniel L. Williams and Christina M. Williams, his wife, as tenants by the entireties, for and during the terms of their natural lives and with full power to the said Daniel L. Williams and Christina M. Williams, his wife and with full power to the survivor to sell, lease, mortgage, grant, convey or in any other manner whatsoever to dispose of, or in any manner encumber the said property absolutely both life estate and remainder with their signatures alone or that of the survivor without the consent or joinder of any remainderman and to approve the entire proceeds thereof to their own use, or to the use of the survivor, but without the power to dispose of by Will, and from and after the death of the said Daniel L. Williams and Christina M. Williams, his wife, without having disposed of the said property, then unto Daniel C. Williams, his

~~xxxxxx grant and convey unto~~

heirs and assigns in fee-simple, all that lot of ground situate, lying and being in

Oriole Avenue, Baltimore County, State of Maryland and described as follows, that is to say

~~beginning for the~~

BEING lot No. 2, Section 7, on the re-survey of the Plat "Frankton", said Plat being recorded among the Plat Records of Baltimore County, in Plat Book W.P.C.No. 4 folio 93.

BEING the same lot of ground which by Assignment of even date herewith and recorded or intended to be recorded among the Land Records of Baltimore County, immediately prior hereto, was assigned by Daniel L. Williams and wife, unto the grantor herein.

BEING the same lot of ground which by Deed of even date herewith and recorded or intended to be recorded among the Land Records of Baltimore County, immediately prior hereto, was conveyed by Frank J. Sudek and wife, unto the grantor herein.

Together, with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or in any wise appertaining.

To have and to hold said lot of ground- - - - - and premises;

above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurten-

ances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Daniel L. Williams and Christina M. Williams, his wife, as tenants by the entireties, for and during the terms of their natural lives and with full power to the said Daniel L. Williams and Christina M. Williams, his wife, and with full power to the survivor to sell, lease, mortgage, grant, convey, or in any other manner ~~whichever~~ ^{in fee simple} whatsoever to dispose of or in any manner encumber the said property absolutely both life estate and remainder with their signatures alone or that of the survivor without the consent or joinder of any remainderman and to appropriate the entire proceeds thereof to their own use, or to the use of the survivor but without the power to dispose of by Will and from and after the death of the said Daniel L. Williams and Christina M. Williams, his wife, without having disposed of the said property then unto Daniel C. Williams, his heirs and assigns, in fee-simple.

And the said Grantor

hereby covenant that it ~~has~~ will warrant specially the property

hereby granted and conveyed, and that it ~~has~~ will execute such further assurances of said property

as may be requisite.

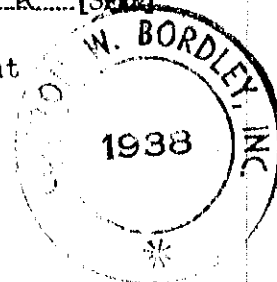
Witness the hand ~~and seal~~ of said grantor corporate seal of said body corporate and the signature of R. Manfred Kwasnik, the Vice-President thereof.

TRUST:

Vera C. Bushong
Vera C. Bushong

CLAYTON W. BORDLEY, INC. [SEAL]

By *R. Manfred Kwasnik* [SEAL]
R. Manfred Kwasnik
Vice-President



NO TITLE EXAMINATION-NO CONSIDERATION

THIS DEED, Made this 30th day of JUNE, 1976,
by and between CARMELA C. MIRABILE, RUSSELL R. MIRABILE, and NANCY M. LEITER,
and SAMUEL P. MIRABILE, parties of the first part of Baltimore City,
State of Maryland, and JERRY S. SOPHER, of Baltimore City, State of Maryland,
party of the second part.

Witnesseth, that in consideration of the sum of Five Dollars (\$ 5.00)
and other good and valuable considerations, receipt whereof is hereby
acknowledged the said parties of the first part do grant and convey unto
the said party of the second part, his heirs, personal representatives,
and assigns, in fee simple, all those lots of ground situate, lying and being
in Baltimore County, State of Maryland, aforesaid, and described as follows:
that is to say: -

SEE ATTACHED SCHEDULE A

Together with the buildings and improvements thereupon erected, made
or being and all and every the rights, alleys, ways, waters, privileges,
appurtenances and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said lots of ground and premises, above
described and mentioned, and hereby intended to be conveyed; together with
the rights, privileges, appurtenances and advantages thereto belonging or
appertaining unto and to the proper use and benefit of the said party of
the second part, his personal representatives, heirs and assigns, in fee
simple.

And the said parties of the first party hereby covenant that they
have not done or suffered to be done any act, matter or thing whatsoever,
to encumber the property hereby conveyed; that they will warrant specially
the property granted and then they will execute such further assurances of
the same as may be requisite.

Witness the hands and seals of said Grantors.

TEST:

Sandra Moore

Carmela C. Mirabile
Carmela C. Mirabile

Russell R. Mirabile
Russell R. Mirabile

TRANSFER TAX NOT REQUIRED
7-1-76 (As of 6-30-76)
Walter R. Richardson
Director of Finance

Per: Helen J. Colburn
Authorized Signature

Nancy M. Leiter
Nancy M. Leiter

11-80-F

Samuel P. Mirable
Samuel P. Mirable

STATE OF MARYLAND,

to wit:

I HEREBY CERTIFY, That on this 30th day of JUNE, 1976,
before me, the subscriber, a Notary Public of the State of Maryland, in and
for Baltimore County aforesaid, personally appeared Carmella C. Mirable,
Russell R. Mirable, Nancy M. Leiter, and Samuel P. Mirable, the above named
grantors, and they acknowledged the foregoing Deed to be their act.

As Witness my hand and Notarial Seal.

Sandra K. Moore
Notary Public
Baltimore City, Md.

SCHEDULE A

BEGINNING FOR THE FIRST at a point in the first or South 71 degrees 50 minutes East 306 feet 9 inch line of the whole tract of land of which the lot now being described is a part and which said whole tract of land is described in a Deed recorded among the Land Records of Baltimore County in Liber W.H.M. No. 658, folio 188, distant South 71 degrees 50 minutes East 300 feet from the beginning of said first line and running thence from said place of beginning binding on part of said first line South 71 degrees 50 minutes East 6 feet 9 inches to the end thereof; thence running with and binding on part of the second line of said deed and on part of the southern outline of said whole tract of land North 76 degrees 58 minutes East 150.44 feet, thence leaving the said southern outline of said whole tract of land and running for a line of division North 13 degrees 2 minutes West 109.36 feet to intersect the southern side of a 20 foot right of way connecting with another 20 foot right of way leading to Oriole Avenue, thence running with and binding on the said southern side of said 20 foot right of way with the use thereof in common with others thereto and parallel with the second line of this description South 76 degrees 58 minutes West 50 feet; thence South 32 degrees 7 minutes West 150 feet, more or less, to the place of beginning.

See OTG 5176, 102

BEGINNING FOR THE SECOND on the South 71 degrees 50 minutes East 300 foot line of the land which was conveyed by Charles Hrebik and Anna Hrebik, his wife to William E. Dashiell and wife dated January 24, 1947, and recorded among the Land Records of Baltimore County in Liber J.W.B. No. 1533, folio 320, at the distance on said line of 100 feet southeast of Oriole Avenue and running thence on the said second line South 71 degrees 50 minutes East 200 feet to the end thereof; thence South 32 degrees 7 minutes West 151.52 feet and thence binding on the fourth line of the lot of ground which was conveyed by Charles Hrebik and Anna Hrebik, his wife, to William E. Dashiell and wife, by deed dated June 4, 1946, and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1460, folio 479, North 71 degrees 50 minutes West 50 feet; thence on the fifth line of the land above named North 32 degrees 7 minutes East 51.52 feet; thence on the sixth line of said last mentioned lot North 71 degrees 50 minutes West 130 feet, more or less, to intersect a line drawn from the place of beginning South 18 degrees 10 minutes West (being at right angles to first line of lot now being described) and thence reversing said line and bounding thereon North 18 degrees 10 minutes East 91 feet and 3 inches, more or less, to the place of beginning."

See OTG 5176, 102

Together with the use of a right of way 12 feet with the use thereof in common with William E. Dashiell and wife leading from Oriole Avenue to the lot of ground above described the northeast outline of which right of way is coincident with South 71 degrees 50 minutes East line; thence said mentioned in this description for the purpose of ingress, egress and regress to and from Oriole Avenue to the lot of ground above described.

BEGINNING FOR THE THIRD at the intersection of the northwest side of Pulaski Highway formerly known as Philadelphia Road and the southwest side of Odell Avenue formerly known as Oakdale Avenue and running thence binding on said northwest side of Pulaski Highway South 48 degrees 48 minutes 13 seconds west 59.78 feet to the beginning of the second line of the land described in a deed from the Consolidation Company to Henry L. Woppman and wife dated July 14, 1941 and recorded among the land records of Baltimore City in Liber MLP No. 6185 folio 534 which point is distant 87.5 feet northeasterly from the intersection of said northwest side of Pulaski Highway and the eastern boundary of Baltimore City thence at right angles to said Pulaski Highway and binding on said second line north 41 degrees 11 minutes 47 seconds west 147.75 feet to intersect the second line of the land described in a deed from the Consolidation Company to the Orangeville Building and Loan Association dated November 5, 1938 and recorded among said land records in Liber SCL No 5873 folio 236 thence binding reversely on said second line north 61 degrees 25 minutes east 92.69 feet to said southwest side of Odell Avenue thence binding on said southwest side of Odell Avenue south 27 degrees 40 minutes east 131.15 feet to the place of beginning.

See RJS 1373, 161

BEGINNING FOR THE FOURTH at a stone heretofore planted in the first line of the land described in a Deed from Agnes V. Gilmore and husband to the Knights of Liberty Social and Literary Club of Baltimore County, dated October 6, 1900 and recorded among the Land Records of Baltimore County in Liber N.B.M. No. 245 folio 266, etc., at the distance of 552.58 feet south 82 degrees 51 minutes 30 seconds East from the beginning of said land, said stone being on the east side of a strip of land 30 feet wide leading to Eastern Avenue, thence South 82 degrees 30 minutes East 199.70 feet to a stone in a ravine at the end of the first line, thence running in the center of said ravine the seven (7) following courses and distances: North 31 degrees East 188.50 feet, North 7 degrees 07 minutes East 261.00 feet, North 15 degrees 38 minutes West 150.00 feet, North 22 degrees 23 minutes West 147.30 feet, North 47 degrees 23 minutes West 94.00 feet, North 61 degrees

08 minutes West 145.00 feet to a marsh, thence bounding on said marsh as follows: North 59 degrees 53 minutes West 125.50 feet, South 45 degrees 47 minutes West 195.65 feet, South 52 degrees 10 minutes West 95.00 feet, South 28 degrees 25 minutes West 100.00 feet, South 32 degrees 25 minutes West 100.00 feet, South 39 degrees 08 minutes West 103.50 feet, South 29 degrees 04 minutes West 118.33, South 18 degrees 04 minutes West 79.70 feet and thence South 3 degrees 24 minutes West 48.39 feet, said point being North 3 degrees 24 minutes East 128.27 feet from the stone at the beginning of the Deed above referred to and being on the north side of a road 30 feet wide, thence binding on said road South 82 degrees 51 minutes East 196.06 feet, thence South 82 degrees 51 minutes East binding on said road 285.19 feet, thence South 48 degrees 24 minutes East 66.16 feet binding on said road and thence South 8 degrees 04 minutes East 90.95 feet binding on said road to the place of beginning. Containing 10.985 acres of land more or less.

Being that tract of land known as Liberty Park, as surveyed by E. V. Coonan & Co., Civil Engineers, Baltimore, Maryland, dated May 3, 1945 and revised September 20, 1958.

Also a strip of land 30 feet wide leading from the above described lot or parcel of land to Eastern Avenue and described as follows: Beginning for the same at a point on the first line of the above described lot or parcel of land at the distance of 522-5/12 feet from the beginning of the same and running thence South 6 degrees 507-5/12 feet binding on the west side of said strip of land to Eastern Avenue, thence binding on the north side of said Avenue North 75-1/2 degrees East 30 feet, thence binding on the east side of said strip of land North 6 degrees West 498 feet more or less to intersect the first line of the above described lot or parcel of land, thence binding reversely of said line North 85 degrees West 31 feet more or less to the place of beginning.

SAVING AND EXCEPTING HOWEVER, that strip of land that was granted and conveyed by Deed dated October 28, 1942 and recorded among the Land Records of Baltimore County in Liber C.H.K. No. 1270 folio 89, from Paul Rostkowski and Eleanora Rostkowski to the State Roads Commission of Maryland.

See RRG 4161, 495

BEGINNING FOR THE FIFTH, known and designated as Lots Nos. 88, 116, 117, 118, 119 and 120, as shown on the Plat of Woodbine, which Plat is recorded among the Land Records of Baltimore County in Plat Book W.P.S. No. 5, folio 66.

See RRG 4185, 27

BEGINNING FOR THE SIXTH AT A stone heretofore planted in the ground at the beginning of the whole tract of land of which the lot now being described is a part and which said whole tract of land is described in a deed dated October 6, 1900 and recorded among the Land Records of Baltimore County in Liber N.B.M. No. 245, folio 266, from Agnes V. Gilmore and James Gilmore, her husband, to Knights of Liberty Social and Literary Club of Baltimore County, and running thence from said place of beginning, binding on part of the first line of said whole tract of land, South 82 degrees 51 minutes 30 seconds East 187.71 feet to a pipe; thence for a line of division heretofore made and running North 07 degrees 08 minutes East 98.0 feet to an iron pipe and to intersect the southerly side of a 30 foot road leading to Eastern Avenue; thence running for another line of division and binding on the said southerly side of said 30 foot road, with the use thereof in common with others entitled thereto, North 82 degrees 51 minutes 30 seconds West 194.11 feet to an iron pipe and to intersect the last or 16th line of said whole tract of land; thence binding on part of said last or 16th line of said whole tract of land and running South 03 degrees 24 minutes West 98.21 feet, more or less to the place of beginning. Containing 0.430 acres of land, more or less.

See RRG 4186, 161

BEGINNING FOR THE SEVENTH all those eight lots of ground, situate lying and being in the 15th Election District of Baltimore County, State of Maryland, aforesaid, and described as follows, that is to say:

The first seven lots thereof being known and designated as Lots Nos. 2, 3, 4, 5, 6, 7 and 8 in Section 8 as laid out and shown on the Plat of the "Re-survey of Frankton." Said Plat being recorded in the Clerk's Office of the Circuit Court for Baltimore County in Plat Book W.P.S. No. 4, folio 93.

See OTG 4912, 183

BEGINNING FOR THE EIGHTH, the eighth of said lots on the southernmost side of Riverside Avenue at the distance of 222 feet and 11 inches more or less from the corner formed by the intersection of the southernmost side of Riverside Avenue and the northwesternmost side of Oriole Avenue as shown on the plat of "Re-survey of Frankton" dated July, 1913 and running thence North 84 degrees and 30 minutes West and bounding on the southernmost side of Riverside Avenue 750 feet more or less to Back River thence southwesterly bounding on said River (erroneously called Road in Deed from Frank Mladejovsky and wife to Jacob Uhler and wife W.P.C. No. 421, folio 416 and other subsequent Deeds) 28 feet more or less to the outline of the whole tract thence bounding on said outline the following courses and distances: South 60 degrees 35 minutes East 126 feet more or less; South 62 degrees 5 minutes East 145 feet; South 48 degrees 20 minutes East 94 feet; South 23 degrees 20 minutes East 147 feet 4 inches; South 16 degrees 35 minutes East 6 feet more or less; thence South 71 degrees 4 minutes East 235 feet more or less thence North 21 degrees 1 minute East 151 feet and running thence North 31 degrees 41 minutes East 253 feet 7 inches to the place of beginning. Known on the plat of "Re-survey of Frankton" and recorded in Plat Book W.P.C. No. 4 folio 93 as "Uhler 2nd Purchase."

SEE OTG 4912, 183

BEGINNING FOR THE NINTH at an iron bar driven in and on the South 41 degrees 51 minutes West 135 feet 10 inch line of that tract of land of which the parcel herein described is a part, which by deed dated October 10, 1929, and recorded in Liber L.McL.M. No. 839, folio 65, was conveyed by James W. Wohner, administrator to John Tancibok and Julia Tancibok, his wife, said place of beginning being also on the northwest side of Oriole Avenue as shown on the Plat of Re-survey of "Frankton" July, 1913, and recorded in Plat Book W.P.C. No. 4, folio 93 and running thence along the northwest side of Oriole Avenue and also reversing the aforesaid South 41 degrees 51 minutes West Line, North 41 degrees 51 minutes East 108.53 feet to the beginning of said line, thence leaving Oriole Avenue and continuing to bound on the lines of the land conveyed as aforesaid by said Wohner to Tancibok North 19 degrees 46 minutes East 147 feet more or less to Back River, thence westerly along said river 110 feet more or less, thence for two lines of division South 11 degrees 1 minute West 210 feet more or less passing over iron bars at 10 feet more or less and 110 feet more or less to an iron bar and South 57 degrees 13 minutes East 38.15 feet to the place of beginning. Containing 0.23 acres as surveyed by J. M. Kinnear, engineer and surveyor, dated October 27, 1944.

See OTG 4912, 183

BEGINNING FOR THE TENTH at a point on the east side of Oriole Avenue, said point being north 23 degrees 30 minutes 00 seconds east 199.20 feet from the intersection of the eastern side of Oriole Avenue (30 feet wide) with the northern side of Eastern Avenue (65 feet wide); thence binding on said east side of Oriole Avenue, north 23 degrees 30 minutes 00 seconds east 50.00 feet to a point; thence for lines of division south 66 degrees 30 minutes 00 seconds east 84.66 feet to a point; thence south 06 degrees 54 minutes 00 seconds east 30.00 feet to a point; thence north 80 degrees 05 minutes 00 seconds west 102.71 feet to the point of beginning.

Said described parcel being a portion of Lot 1, Section 1, of the subdivision known as "Frankton," as recorded among the Land Records of Baltimore County in Plat Book No. 4, folio No. 93.

See OTG 4912, 183

BEGINNING FOR THE ELEVENTH, known and designated as Lot No. 2 in Section 7 as shown on a plat entitled, "Re-survey of Frankton" which plat is duly recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 4, folio 93. The improvements thereon being known as No. 428 Oriole Avenue.

BEGINNING FOR THE TWELFTH, known and designated as Lot No. 3, as shown upon a Plat entitled "Re-survey of Frankton," which Plat is duly recorded among the Plat Records of Baltimore County in Plat Book W.P.C. No. 4, folio 93.

BEGINNING FOR THE THIRTEENTH, known and designated as Lot No. 4, Section 7, as shown on Plat of Re-survey of Frankton, which Plat is duly recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 4, folio 93.

See OTG 4912, 183

0052**** 24300242 9L-2-76
0052**** 24300242 9L-2-76

Rec'd for record JUL 2 1976 at 11⁴⁰ AM
Per Elmer H. Kahline, Jr., Clerk
Mail to Gerry S. Lophes
Receipt No. 3 25.00

94057) This Deed Made this 24 day of November in the
 Walter J Emala & Wife) year one thousand nine hundred and forty-five by
 Deed to) and between Walter J Emala and Anna M Emala his wife of
 Joseph C Mirabile et al) Baltimore County State of Maryland parties of the first
 \$15.00 Wed \$16.50) part and Joseph C Mirabile Charles J Mirabile and Joseph
 -----) L Reinhardt of Baltimore City State of Maryland parties
 of the second part

Witnesseth That in consideration of the sum of five dollars and other good and valuable considerations this day paid the receipt whereof is hereby acknowledged the said parties of the first part do hereby grant and convey unto the said parties of the second part tenants in common their heirs and assigns in fee simple all that lot of ground situate lying and being in Baltimore County State of Maryland and more particularly described as follows that is to say

Beginning for the same at the corner formed by the intersection of the westernmost side of Oriole Avenue 30 feet wide as laid out on the Plat of "Frankton" and recorded among the Plat Records of Baltimore County in Plat Book W P C No 4 folio 93 with the northernmost side of Eastern Avenue 65.33 feet wide as shown on State Roads Plat No 4698 and recorded among the Plat Records of Baltimore County in Plat Book L M L M No 11 folio 93 and running thence and binding on the northernmost side of Eastern Avenue South 76 degrees 17 minutes west 152 feet to a out in the concrete driveway there situate thence leaving said Avenue and running for lines of division the two following courses and distances to wit North 9 degrees 45 minutes west 200 feet to a pipe and North 76 degrees 17 minutes west running parallel with Eastern Avenue 254.21 feet to a pipe set on the westernmost side of Oriole Avenue and in the third line of parcel of land which by a deed dated September 1911 and recorded among the Land Records of Baltimore County in Liber W P C No 387 folio 102 was conveyed by Bernard Rathman and wife to Vaclav J Pospisil and wife at the distance of 60.25 feet from the beginning of said line and thence running with and binding on a part of said third line and on the westernmost side of Oriole Avenue South 16 degrees 28 minutes west 230.82 feet to the place of beginning

Containing 0.93 of an acre of land more or less Beginning the same lot of ground which by deed dated December 9th 1944 and recorded among the Land Records of Baltimore County in Liber R J S No 1371 folio 527 was granted and conveyed by Vaclav J Pospisil and wife to the within named grantors

Together with the buildings and improvements thereupon erected and all and every alleys waters ways privileges and appurtenances to the same belonging or in anywise pertaining

To Have and to Hold the above described lot of ground and premises unto and to the use of the said parties of the second part as tenants in common their heirs and assigns in fee simple

And the said parties of the first part hereby covenant that they have done no matter or thing to encumber the property herein conveyed that they will warrant special said property and that they will execute such further assurances thereof as may be requisite

Witness the hands and seals of the within named Grantors

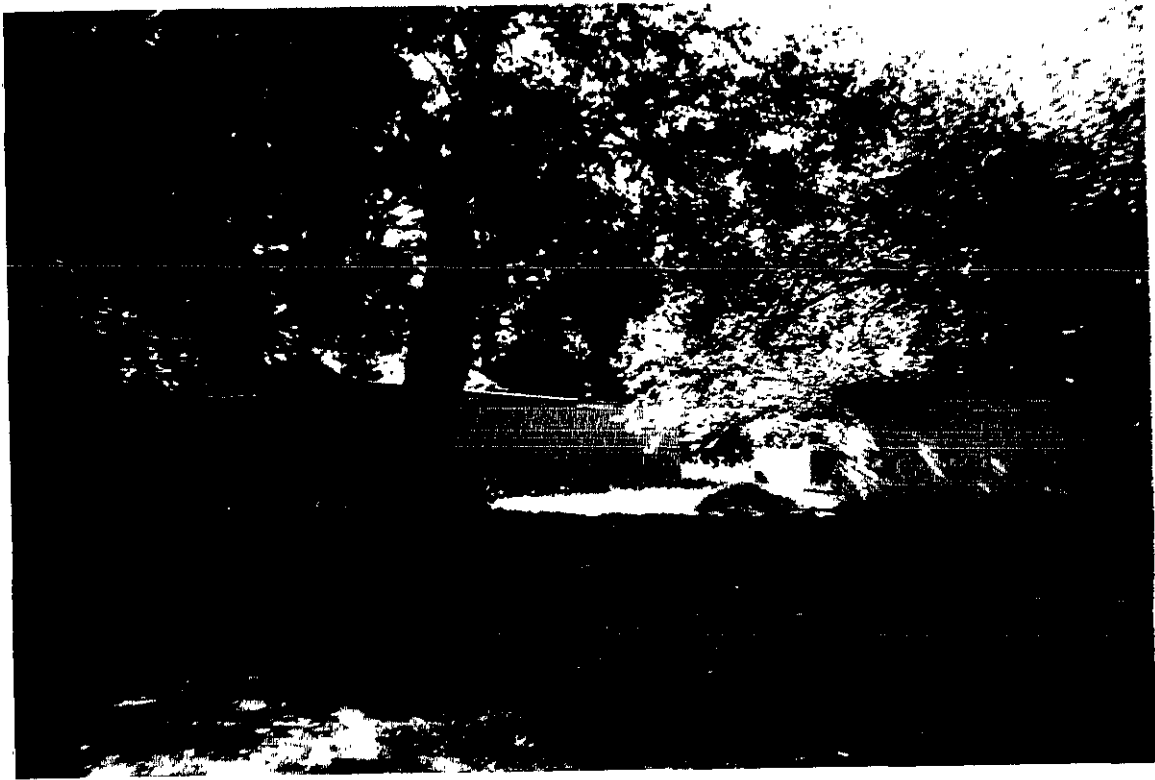


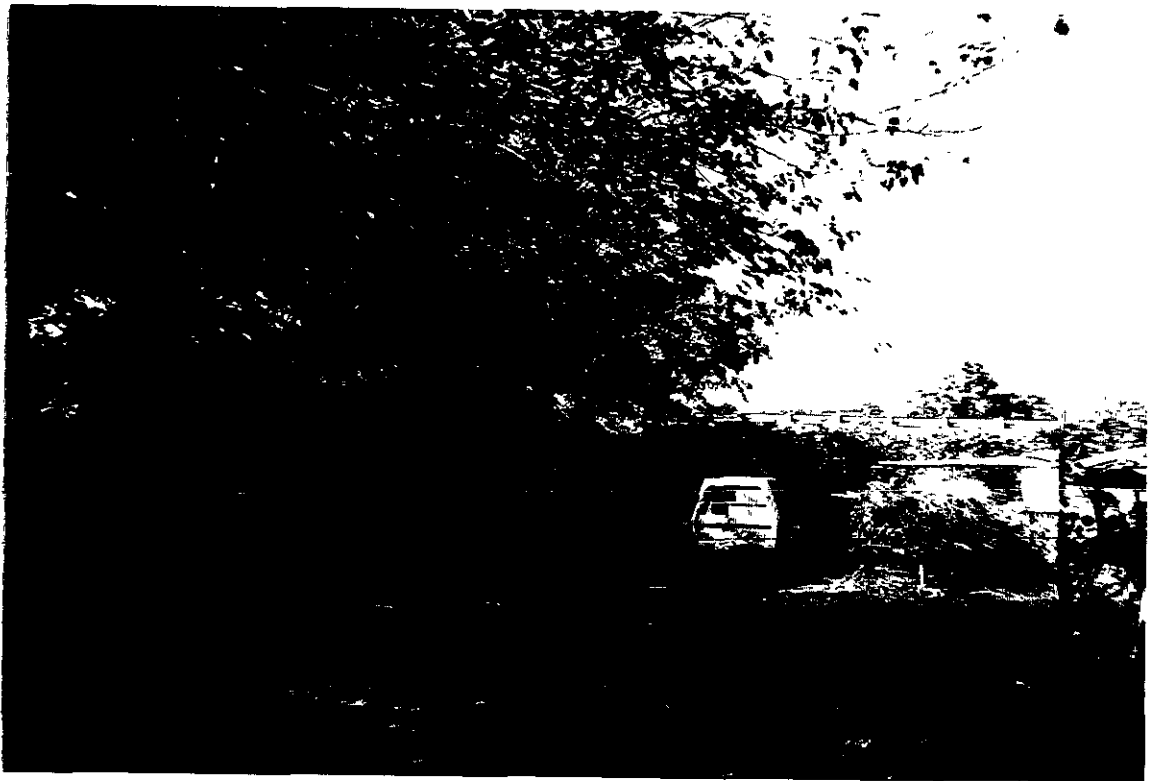
Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

Petitioner's
Exhibits
6
photographs

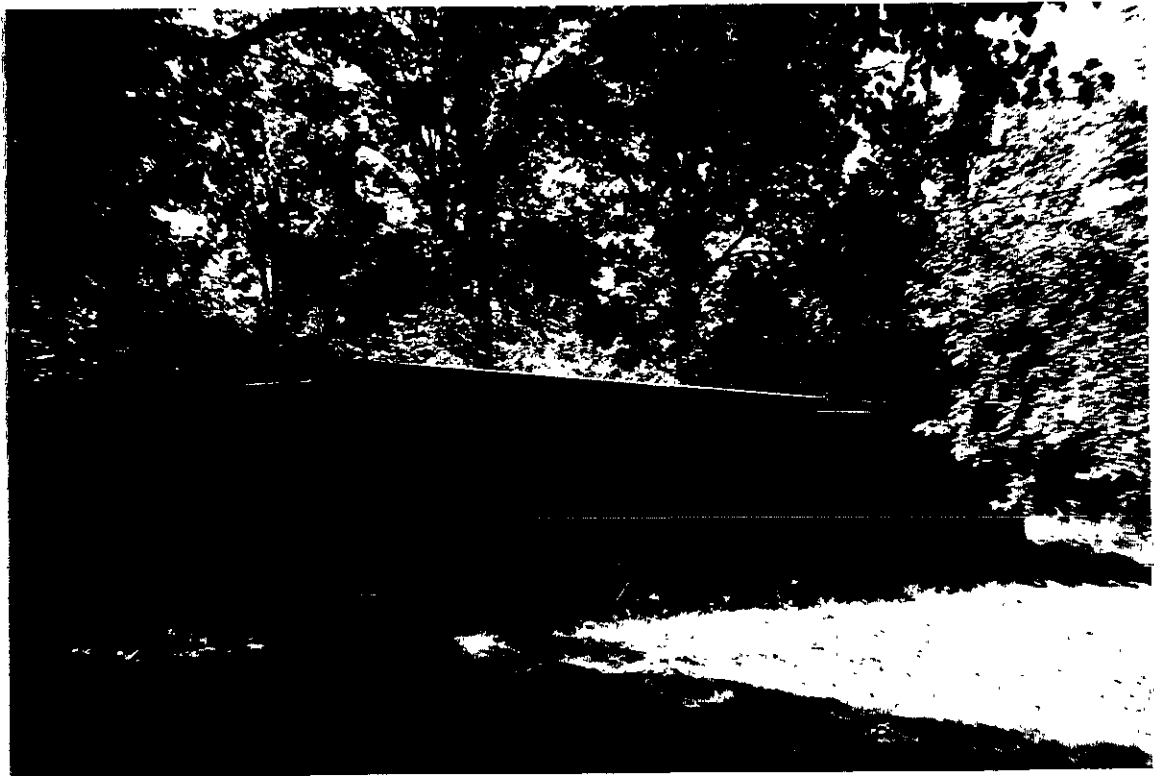
99-90-SPN



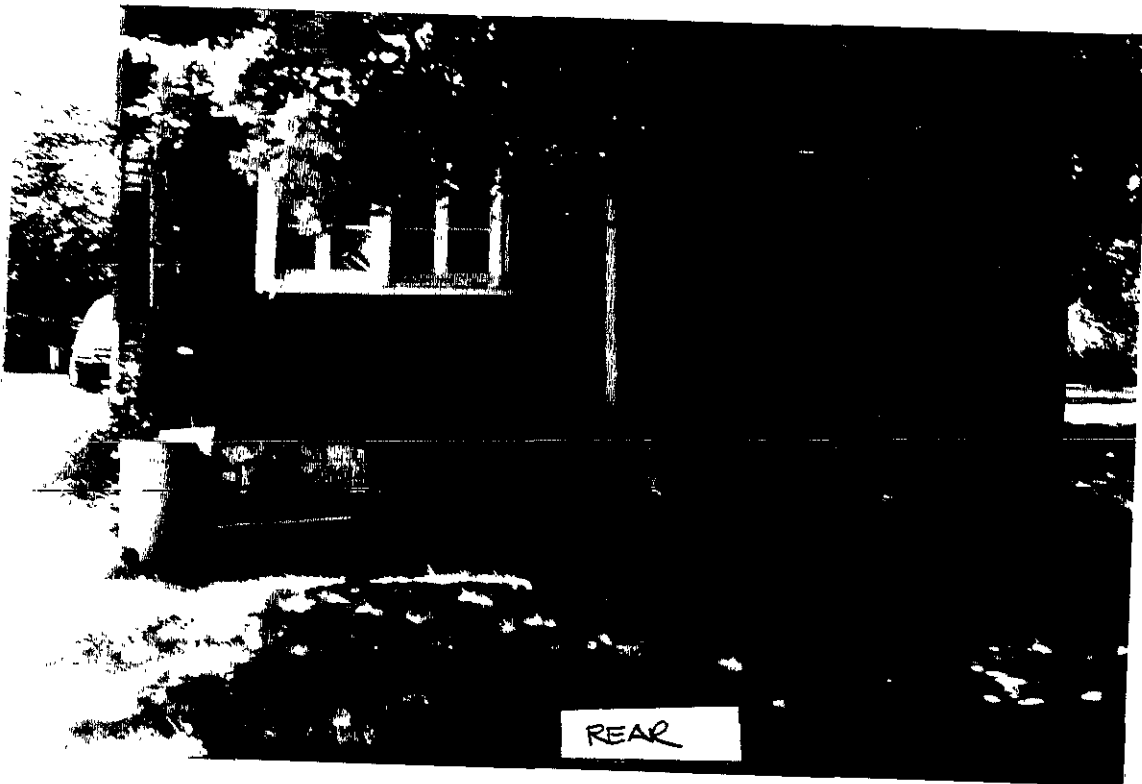




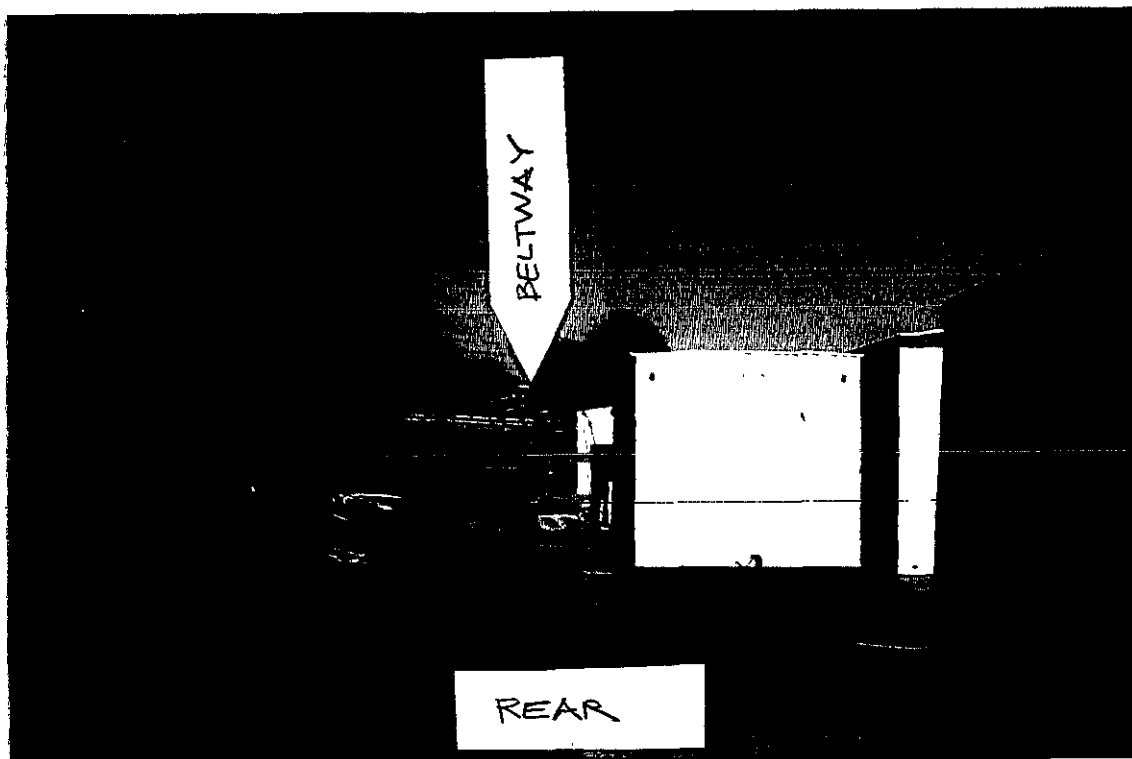
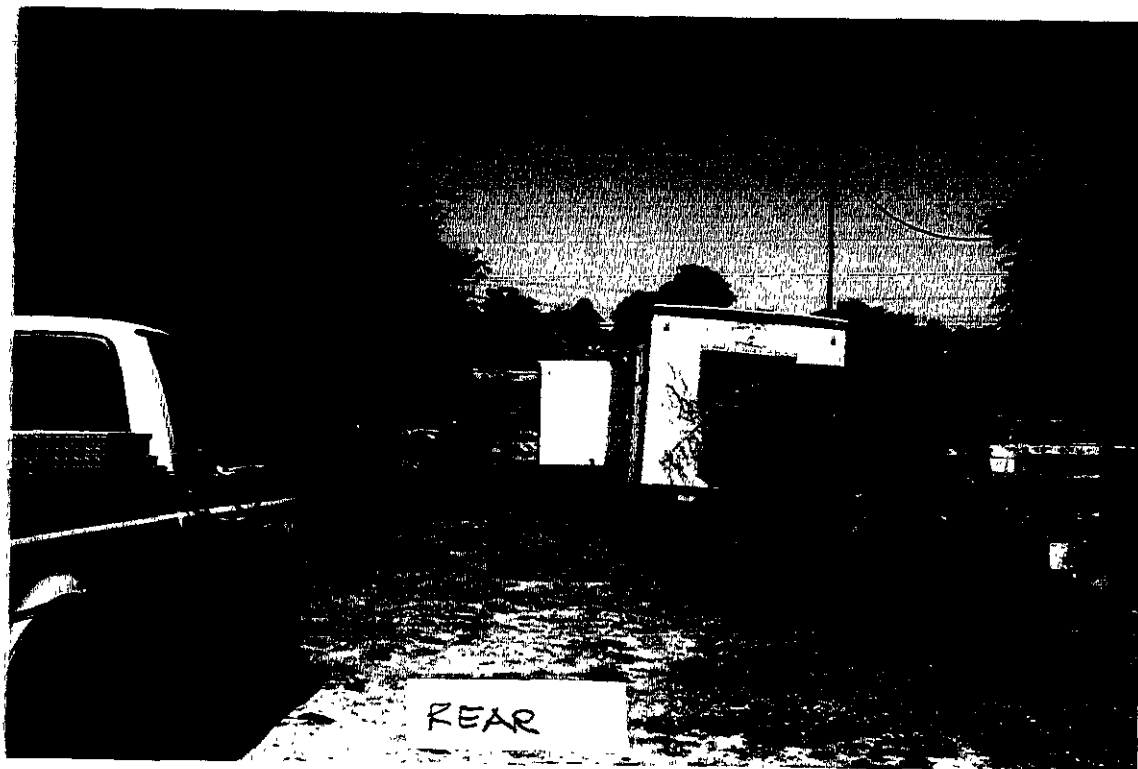


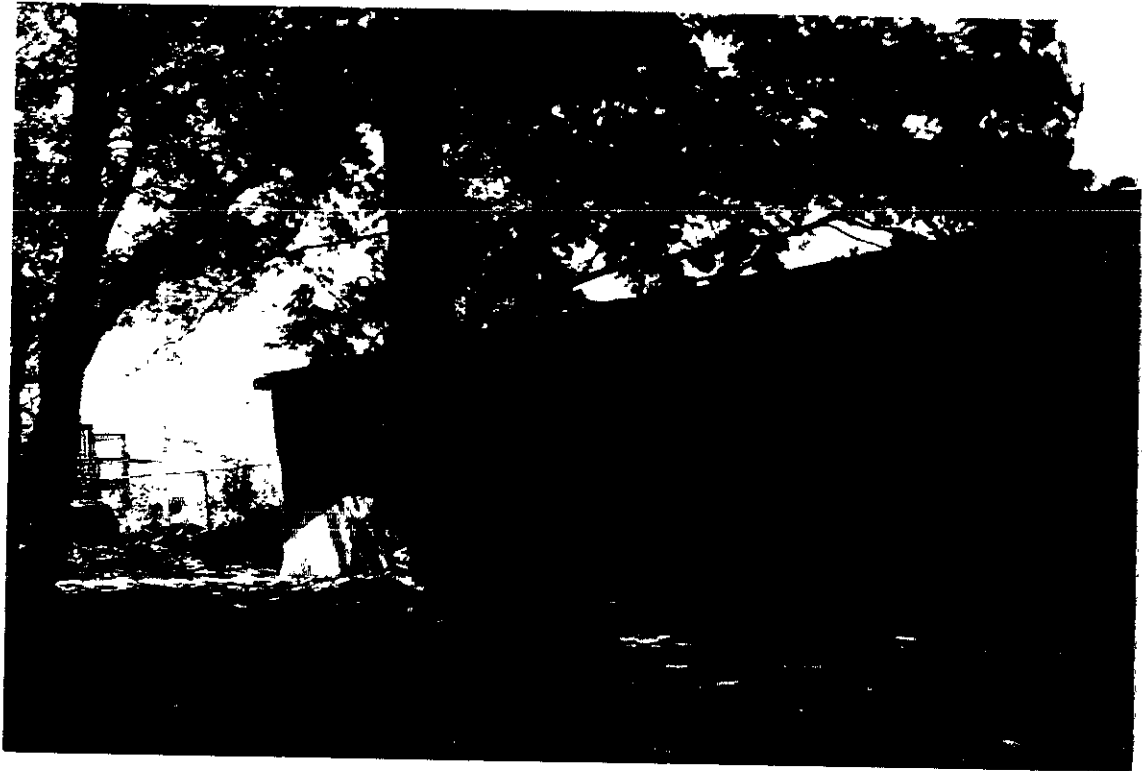


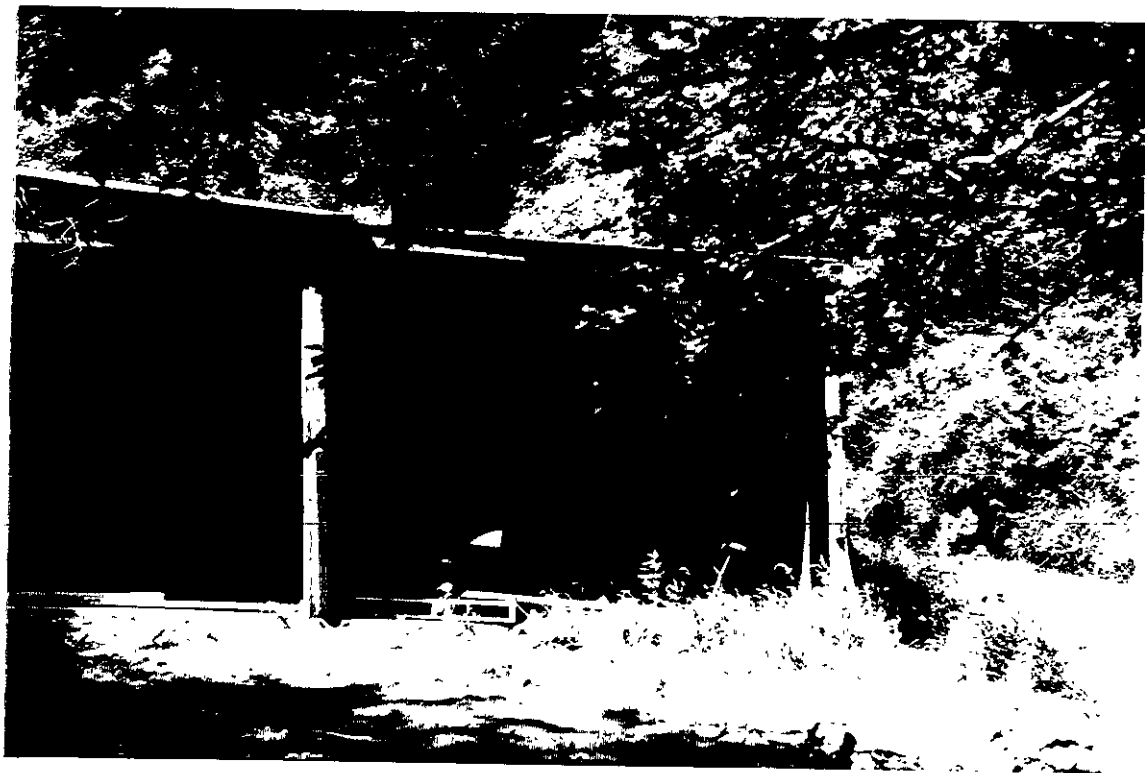
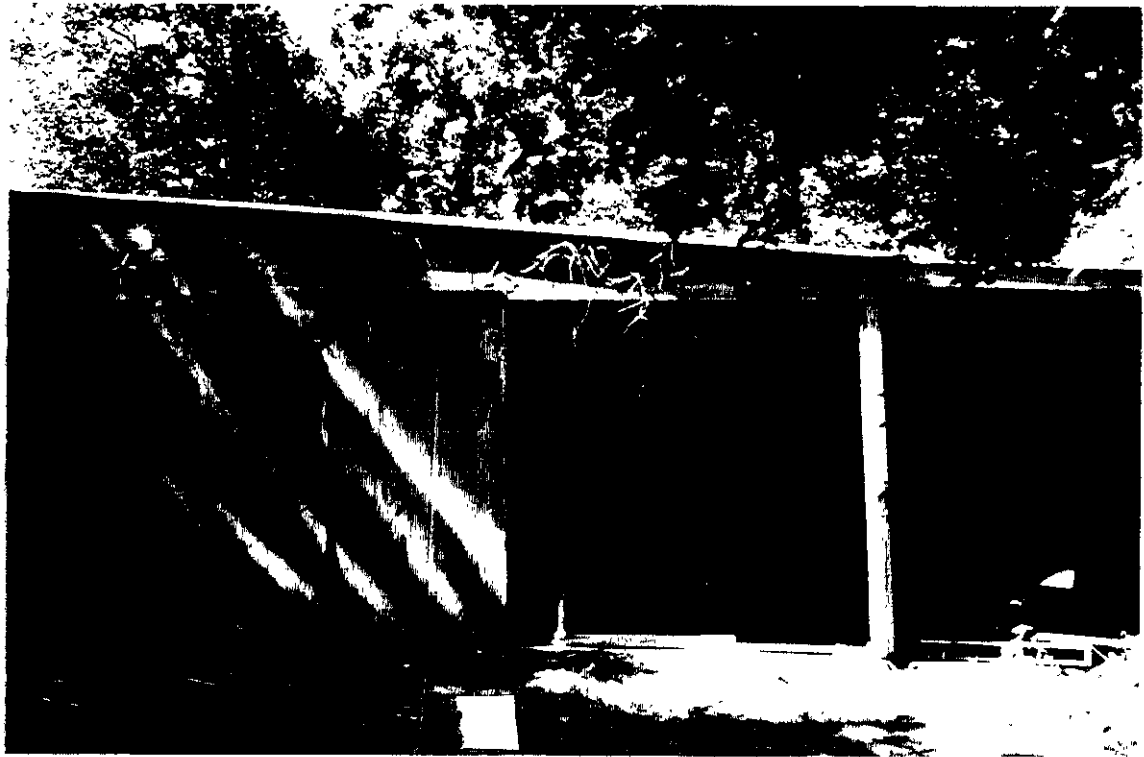












1 OWNER/PETITIONER:
SAMUEL P. MIRABILE
2224 BELAIR RD.
BALTIMORE, MD 21213.
TELEPHONE: 410.276-4307

DEED REFERENCE: PO LOT 2 & 3 FRANKTON P.B. 4-93, LIBER 10590, FOLIO 209
TAX MAP 96, GRID 12, PARCEL 276
ACCOUNT No. 15-151355641

2 EXISTING ZONING: D.R. 1

3 EXISTING & PROPOSED USE: CONTINUED USE OF OUTSIDE STORAGE PRE-DATING BALTIMORE COUNTY ZONING REGULATIONS.

4 PUBLIC WATER AND SEWER SERVES THIS SITE

5. AREA OF LOT 2 & 3: 14,622 SQ. FT. - 0.336 AC.
C. SITE LIES WITHIN CHESAPEAKE
BAY CRITICAL AREA.

BALTIMORE

1-695

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ANNA M.
BECKER

CHARLES H. &
ANNA M. BECKER
04079485

SAMPLE LOT 1

EX. HOUSE
434

| | |
|-------|------|
| EX. | #438 |
| House | #436 |

| | |
|-------|-------|
| EX | # 432 |
| HOUSE | # 430 |

ORIOLE

NONED

31



LORRAINE EYON
PENNINGTON

9337/248
2200012733

MARY HOBDINE

616/31

0034
E D E R
A E L A / 2

1519850961

FUTURE ROAD

ZONED

**PLAT TO ACCOMPANY A
PETITION FOR A SPECIAL HEARING**

15TH ELECTION DISTRICT

**7TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

Scale: 1" = 30'

July 8, 1998

Prepared by:

H. Malmud & Associates, Inc.
100 Church Lane

Baltimore, Maryland 21208

Telephone 410 653-9511

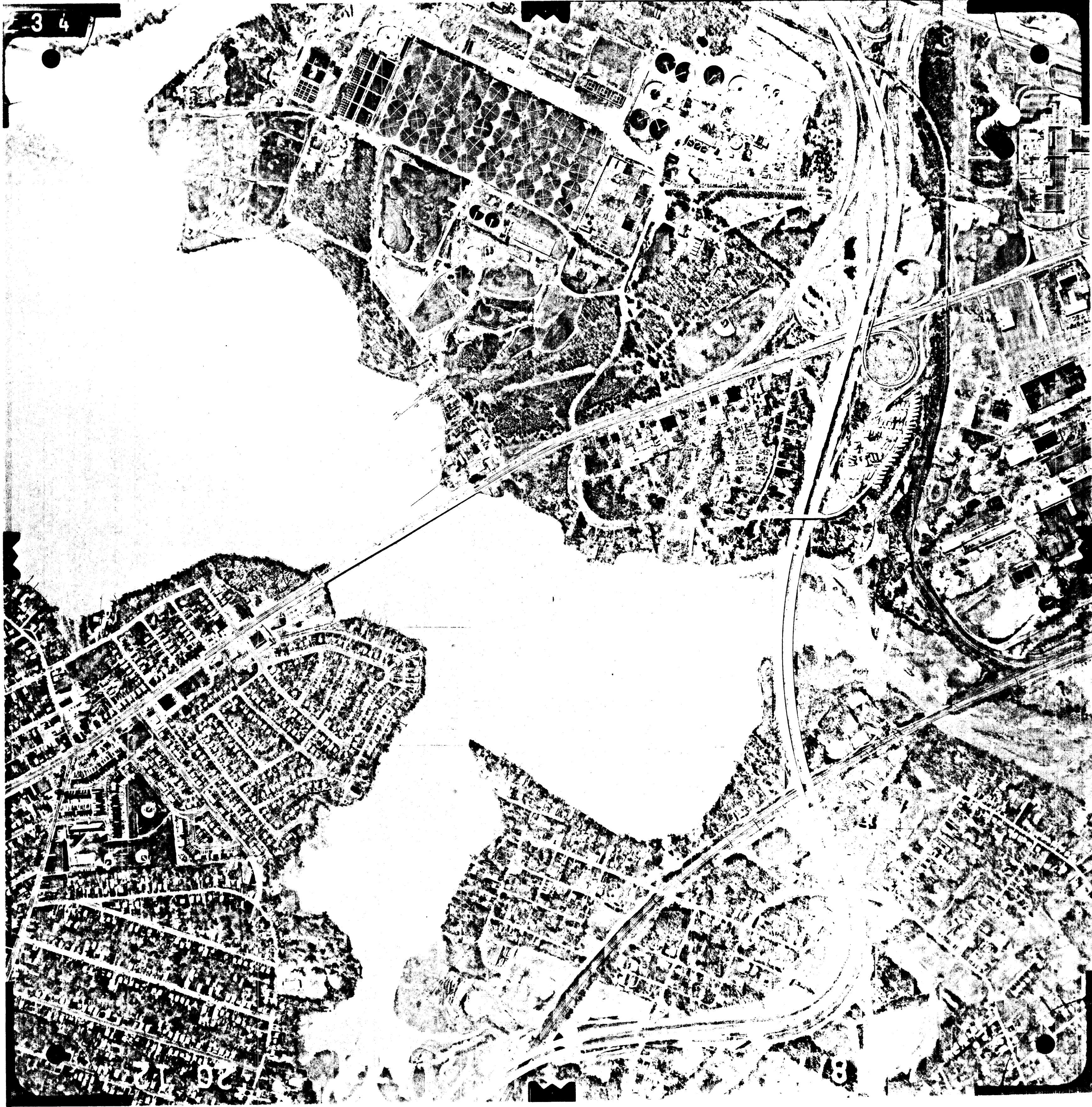
99-90-5PH

9311

THE PROPERTY OUTLINE SHOWN HEREON IS FROM AVAILABLE DATA AND NOT FROM A PROPERTY LINE SURVEY. A TITLE REPORT WAS NOT FURNISHED FOR THIS PLAT.

THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY AND/OR COVENANTS OF RECORD AND LAW.

THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY AND/OR COVENANTS OF RECORD AND LAW.



8
COLUMBIA'S

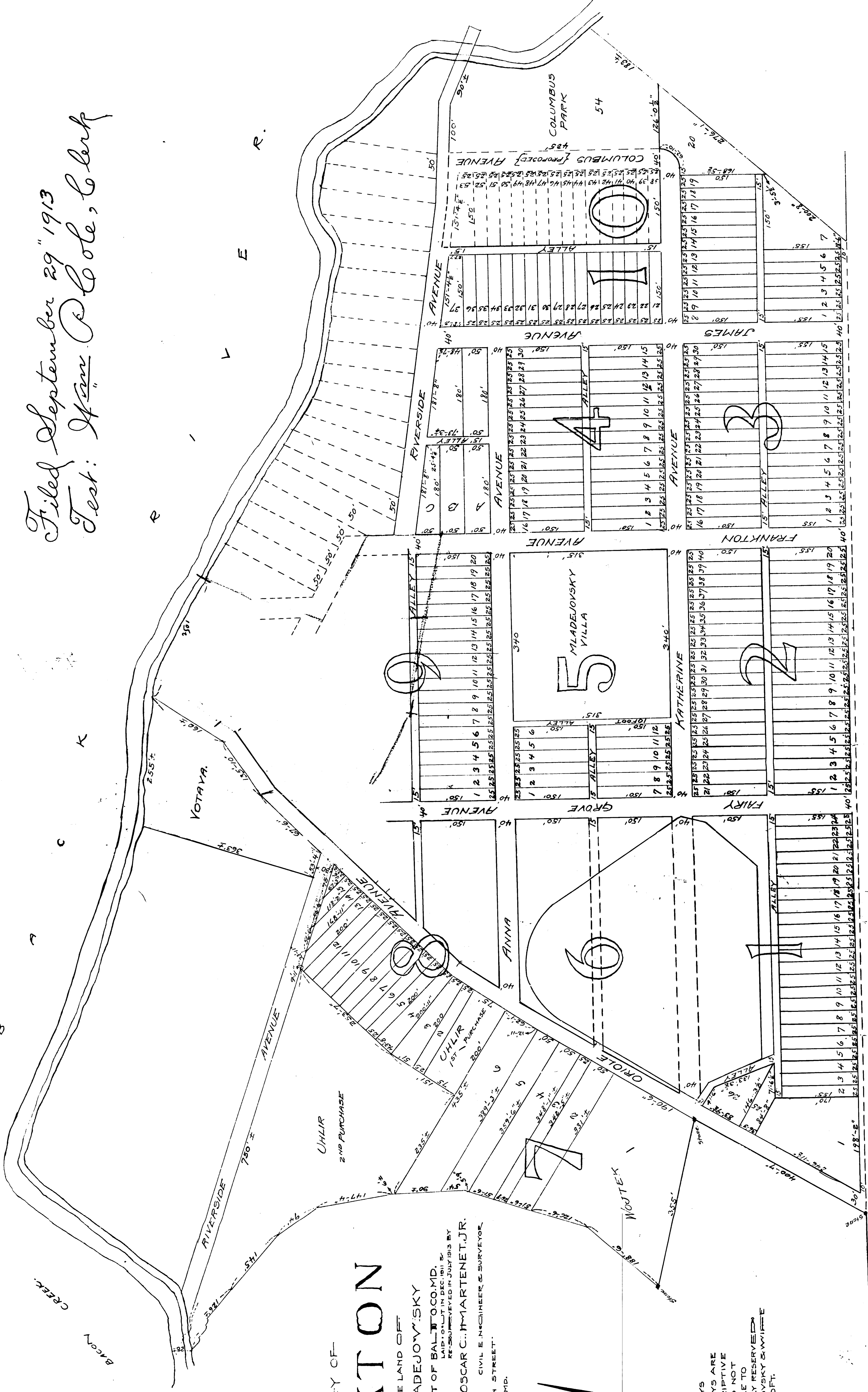
3 4

8



PREPARED BY AIR PHOTOC
MARTINSBURG, W. V. 25401

Filed September 29th 1913
Test: *Wm. P. Cole, Clerk*



RESURVEY OF
FRANKTON

SUBDIVISION OF THE LAND OF
FRANK & KATIE MLADEVOY'SKY
IN 15TH ELECTION DISTRICT OF BALTIMORE, MD.
DEVELOPED BY
KLEČKA & KLEČKA
OSCAR C. MARTENET, JR.
CIVIL ENGINEER & SURVEYOR
210 EAST LEXINGTON STREET,
BALTIMORE, MD.

NOTE: ALL HIGHWAYS
AND ALLEYS ARE
SHOWN FOR DESCRIPTIVE
PURPOSES ONLY AND NOT
FOR DEDICATION TITLE TO
SAME BEING EXPRESSLY RESERVED
BY FRANK MLADEVOY & WIFE
SCALE - 1 IN = 100 FT.

EASTERN

AVENUE

WITNESSES
[Signature]